IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4188 of 2005

Between:

Vodela Krishna, S/o. V. Damodar , Production Assistant/Transmission Executive in All India Radio Prasar Bharathi, Warangal R/o H. No. 13-4-264, Matwada, Warangal

..... PETITIONER

AND

1 The Government of India,

rep., by Secretary,

Ministry of Information and Broadcasting,

Central Secretariat, New Delhi .
2 The Director General All India Radio,

Prasar bharathi, Government of India, New Delhi.
3 The Station Director All India Radio,

Prasar Bharathi Warangal District, Andhra Pradesh.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the Respondents in not regularizing the services of the petitioner as Production Assistant as bad, illegal and unconstitutional and against Art. 14 16 and 21 of the Constitution of India and direct the respondents more particularly the Respondent Nos.2 & 3 to apply the Judgment passed in WP 17868 of 1998, in the petitioner case and regularize the services of the petitioner as Production Assistant/Transmission Executive as the petitioner is deserving and eligible.

Counsel for the Petitioner: Mr. D.VIJAY

Counsel for the Respondents: Mr.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the admission stage made the following :

ORDER:

The petitioner is an unemployed person. He claims that he worked as a Casual Production Assistant from 1991 in the respondent-organization and his services were extracted for various periods during the years from 1991 to 1998. The petitioner claims that he worked for a total number of 665 days with the respondents. The petitioner further submits that the All India Radio prepared a scheme in pursuance of a judgment of the Central Administrative Tribunal, New Delhi in O.A.No.822 of 1991, dated
18-09-1992, for regularization of services of casual artists in All India Radio. The petitioner contends that he fulfilled all the eligibility conditions stipulated and he is entitled for regularization of services as a regular Government employee. Since the respondents did not consider his case for regularization of services, the petitioner approached this Court through this writ petition to declare the action of the respondents in not regularizing his services as Production Assistant, as bad, illegal, unconstitutional and against Articles 14,16 and 21 of the Constitution of India.

2. The grievance of the petitioner is that though he fulfilled the requisite qualifications for regular appointment while working as Casual Production Assistant, the respondents, without considering his case, resorted to select the candidates from open market. Therefore, he is entitled to be considered for regularization.

3. The learned Counsel for the petitioner drew the attention of this Court to a judgment of Division Bench of this Court dated
31-01-2003 in W.P.No.17868 of 1998, wherein the Division Bench while disposing of the writ petition passed the following Order:

> " A perusal of the records reveals that the petitioners are working as Casual Production Assistants and they are entitled for regularization of their services in terms of the scheme formulated by the respondents. Accordingly, the order of the Tribunal is set aside and the respondents are directed to consider the case of the petitioners, who are working as Casual production Assistants and pass appropriate orders within two months from the date of receipt of a copy of this Order."

4 . Since the petitioner is also similarly placed, the respondents are directed to consider the request of the petitioner for regularization and examine whether he is entitled for regularization in terms of the scheme formulated by them, if he is eligible and fully qualified, and pass appropriate orders, within two months from the date of receipt of copy of this order.

5. Accordingly, the writ petition is disposed of.

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(K.C.BHANU,J)

4th March, 2005.

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To

1 The Secretary,

Government of India,

Ministry of Information and Broadcasting,

Central Secretariat, New Delhi .

2 The Director General All India Radio,

Prasar bharathi,

Government of India, New Delhi.

3 The Station Director All India Radio,

Prasar Bharathi Warangal District,

Andhra Pradesh.

4 Two CD copies.